

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL
ETHER (“MTBE”) PRODUCTS
LIABILITY LITIGATION

Master File No. 1:00-cv-1898
MDL 1358 (VSB)

This document relates to:

*Commonwealth of Pennsylvania v. Exxon
Mobil Corp., et al.*, No.: 1:14-cv-06228

**[PROPOSED] ORDER ON JOINT MOTION TO DISMISS WITH PREJUDICE CLAIMS
AGAINST THE SETTLING DEFENDANTS LUKOIL AMERICAS
CORPORATION, LUKOIL NORTH AMERICA LLC,
LUKOIL PAN AMERICAS LLC, AND PJSC LUKOIL**

Is it hereby ORDERED that the Joint Motion to Dismiss With Prejudice Claims Against the Settling Defendants LUKOIL Americas Corporation;¹ LUKOIL North America LLC; LUKOIL Pan Americas LLC; and PJSC LUKOIL is ALLOWED;

It is further ORDERED that pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, all of the claims against the Settling Defendants LUKOIL Americas Corporation, LUKOIL North America LLC, LUKOIL Pan Americas LLC, and PJSC LUKOIL (collectively the “Settling Defendants”) are hereby dismissed, with prejudice, and that no further approval or review of the Settlement Agreement is required by the Court.

It is further ORDERED that, in any trial of this action, the trier of fact shall determine the Settling Defendants’ or any other Releasees’ (as that term is defined in the Settlement Agreement) apportioned share of liability for any and all claims in the same manner and in the

¹ The allegations against LUKOIL Americas Corporation (“LAC”) were previously dismissed when the Court granted LAC’s motion to dismiss pursuant to Fed. R. Civ. P. Rule 12(b)(6) on August 2, 2021. *See* Opinion and Order (ECF No. 662). In an abundance of caution, LAC is being included here as one of the Settling Defendants because it is a party to the Settlement Agreement.

same form of trial verdict as for all Non-Settling Defendants, as if the Settling Defendants or any other Releasee(s) had remained Non-Settling Defendant(s). The Commonwealth's recoverable damages against Non-Settling Defendants will be reduced in accordance with the procedures and provisions set forth in Section III.3 (Contribution Protection) of the Agreement, including, if applicable, by any amounts apportioned to the Settling Defendants, or any other Releasee(s), in a final judicial determination.

It is further ORDERED that, to the extent applicable, all claims against all Defendants named in the above-captioned action (including Non-Settling Defendants) for all reimbursement payments made, or to be made, from the Pennsylvania Underground Storage Tank Indemnification Fund ("USTIF") to the Settling Defendants, or any other Releasees, or for any costs incurred or to be incurred by USTIF in connection with such reimbursement payments, if any, to the Settling Defendants, or any other Releasee(s), are hereby dismissed with prejudice.

This Order shall not dismiss any claims by Plaintiff against any other Defendants other than the Settling Defendants.

SO ORDERED the ____ day of _____, 20__.

UNITED STATES DISTRICT COURT JUDGE